

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	
	§	
SKYPORT GLOBAL	§	Case No. 08-36737-H4-11
COMMUNICATIONS, INC.,	§	(Chapter 11)
Debtor	§	
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JOANNE SCHERMERHORN,	§	
JOHN K WAYMIRE	§	
CHET GUTOWSKY	§	
JOHN LLEWELLYN	§	
et al	§	
	§	
Plaintiffs,	§	
vs.	§	
	§	
CENTURY TEL, INC.	§	ADVERSARY NO. 10-03150
a/k/a Century Link	§	
CLARENCE MARSHALL	§	
R. STEWART EWING, JR.	§	
MICHAEL E. MASLOWSKI	§	
et al	§	
	§	
Defendants.	§	
	§	
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UNOPPOSED MOTION TO WITHDRAW AS COUNSEL

**TO THE HONORABLE JEFF BOHM,
UNITED STATES BANKRUPTCY JUDGE:**

Vinson & Elkins L.L.P (“V&E”) hereby respectfully seeks to withdraw as counsel for Plaintiff Draco Capital, Inc. (“Draco”) in the above referenced Adversary Proceeding.

1. V&E represented, and continues to represent, Draco in the chapter 11 bankruptcy case filed by Skyport Global Communications, Inc. (Case No. 08-36737-H4-11) on October 24, 2008. A plan of reorganization was confirmed on August 12, 2009.

2. Mr. Eric Fryar of Fryar Law Firm P.C. and Mr. Samuel Goldman of Samuel Goldman & Associates represented Draco as well as the other Plaintiffs¹ (“Plaintiffs”) in commencing litigation against the Defendants² (“Defendants”) on February 12, 2010 in the Harris County, Texas, District Court. On March 26, 2010, the litigation was removed to this Court, thereby commencing the above referenced Adversary Proceeding.

3. V&E did not represent Draco in the state court litigation.

4. A status conference was held on April 14, 2010, wherein Mr. Fryar and Mr. Goldman appeared on behalf of and represented the Plaintiffs. V&E appeared on behalf of Draco at the status conference, but only on a provisional basis as bankruptcy counsel, because the Plaintiffs had yet to obtain bankruptcy counsel.

5. On May 18, 2010, V&E was informed that Mr. W. Steve Smith of McFall, Breitbeil & Shults, P.C. would represent the Plaintiffs, including Draco, as bankruptcy counsel, thereby obviating the need for V&E to represent Draco in the Adversary Proceeding.

6. Draco does not object to V&E withdrawing as its counsel in the Adversary Proceeding.

WHEREFORE, V&E respectfully requests that this Court allow it to withdraw as counsel for Draco in the Adversary Proceeding and for such other relief to which it may be entitled.

¹ The Plaintiffs are Joanne Schermerhorn, John K. Waymire, Chet Gutowsky, John Llewellyn, Joseph A. Lopez, Robert Foote, BLF Partners, Ltd., Ecal Partners, Ltd., Whizkid Venture, LLC, Bella Krieger, Martin Pollak, Gloster Goldings, LLC, Melvyn Reiser, Barry Klein, Cheskel Kahan, John A. Rees, Brian W. Harle, Michael Stein, Lawrence Solomon, Tracy Elstein & David Togut, Jason Charles Togut Trust, BMT Grantor Trust, Lynn Joyce Elstein Trust, Charles Stack, Joseph Baker, Movada, Ltd., Puddy, Ltd., Draco Capital, Inc., Edward Pascal, Robert Mendel, Stanly Beraznik, Don Dui, Ben Ariano, 3791068 Canada, Inc., Peter Taylor, John E. Panneton, Wayne C. Fox, David Currie, Byron Messier, Darshan Khurana, Mateo Movelli, Diya Al-Sarraj, Sequoia Aggressive Growth Fund, Ltd., Sequoia Diversified Growth Fund, Ltd., RIG III Fund, Ltd., Aran Asset Management SA, Semper Gestion SA, and Eosphoros Asset Management, Inc.

² The Defendants are Centurytel, Inc. (a/k/a Centurylink), Clarence Marshall, R. Stewart Ewing, Jr., Michael E. Maslowski, Harvey P. Perry, Robert Kubbernus, Balaton Group, Inc., Bankton Financial Corporation, Bankton Financial Corporation, LLC, Clearsky Management, Inc., Wilson Vukelich, LLP and Clearsky Investments, LP.

Dated: May 24, 2010

Respectfully submitted,

VINSON & ELKINS LLP

By: /s/ John E. Mitchell

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**ATTORNEYS FOR DRACO CAPITAL,
INC.**

CERTIFICATE OF SERVICE

This is to certify that on this 24th day of May, 2010, a true and correct copy of the above and foregoing document has been served, by via ECF system to all parties on the ECF service list and by and/or via U.S. Mail, first class, postage prepaid, to all counsel noted below:

/s/ John E. Mitchell

One of Counsel

<u>Plaintiff's Counsel:</u> Eric Fryar The Fryar Law Firm 1001 Texas Ave, Ste 1400 Houston, TX 77002-3194	<u>Defendants' Counsel:</u> <u>(Except Wilson Vukelich, LLP)</u> Hugh Ray McKool Smith P.C. 600 Travis, Suite 7000 Houston, TX 77002
Samuel Goldman Samuel Goldman & Assoc. 100 Park Ave 20th FL New York, NY 10017	<u>Counsel for Defendant, Wilson Vukelich, LLP</u> David R. Jones Porter & Hedges, LLP 1000 Main Street, 36th FL Houston, TX 77002
Harold B. Obstfeld Harold B. Obstfeld, P.C. 100 Park Ave 20th FL New York, NY 10017	

CERTIFICATE OF CONFERENCE

On May 21, 2010, I contacted the counsel for the Plaintiffs, Samuel Goldman, and Defendants' counsel, Hugh Ray and David Jones, to discuss this Motion. The parties do not object to the relief requested in the Motion or to an expedited setting on the Motion.

/s/ John E. Mitchell

One of Counsel